

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Akihiro YOSHITANI, *et al.*

Serial No.: 10/016,682

Filed: 31 October 2001

Title: IMAGE PROCESSING APPARATUS AND
METHOD

Group Art Unit: 2625

Examiner: P. Huntsinger

Attorney Docket No.: CANO:039

Confirmation No.: 2566

VIA EFS-WEB
20 June 2006

COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

SUBMISSION UNDER RULE 114 - REQUEST FOR RECONSIDERATION
WITH RCE TRANSMITTAL

Sir:

In reply to the Final rejection dated 22 February 2006, applicants concurrently file a Request for Continued Examination (RCE). The one-month extension needed for this reply is addressed in the EFS-WEB generated fee transmittal.

REMARKS

Please enter the Amendment after Final filed 09 May 2006. Claims 1-18 remain pending in this application for which applicants seek reconsideration.

In the 09 May 2006 Amendment, applicants essentially argued that the combination between Misawa (USP 6,771,382) and Kim (USP 6,268,937) would not have been tenable because applying Kim's teachings as urged by the examiner would destroy the operating principle of Misawa. That is, altering the image size would defeat the purpose of making the transmission selection exclusively based on the image size. One of ordinary skill in the art would not have been motivated to alter the image size after making the transmission selection that is exclusively based on the image size.

In this respect, the examiner states in the 19 May 2006 Advisory Action that the combination between Misawa and Kim would not destroy Misawa's operating principle because the size determining method of transmission is not the same as the predetermined size the image data is altered to be. Applicants disagree because the examiner's assessment akin to selecting the facsimile transmission if the image is in color and selecting the email transmission if the image is in monochrome, and after the facsimile transmission is selected for a color image, converting the color image to monochrome. That simply defeats the purpose of selecting the transmission protocol based on the image size since the image size would be altered. Misawa explicitly calls for determining the transmission based exclusively on the size. That is, one of ordinary skill in the art would not have looked toward messing with the size once the transmission protocol has been determined.

The combination simply would not have taught altering the size of the image represented by the input image data to match the predetermined size for transmission by facsimile if the image represented by the input image data is smaller than the predetermined size.

Applicants submit that claims 1-18 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

20 JUNE 2006

DATE

/LYLE KIMMS/

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REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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